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*Attorneys for Plaintiff and Proposed Class*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SABRINA CHIN, on behalf of herself and all  
others similarly situated,

Plaintiff,

-against-

RCN CORPORATION,

Defendant.

Civil Action No. 08-CV-7349 (RJS)(KNF)

**NOTICE OF UNOPPOSED MOTION  
AND MOTION FOR ORDER  
APPROVING AMENDMENT TO CLASS  
ACTION SETTLEMENT AGREEMENT  
AND PROPOSED NOTICE TO CLASS**

**PLEASE TAKE NOTICE THAT**, upon the accompanying Declaration of Michael R. Reese dated January 22, 2010, and the exhibits annexed thereto, and upon all other pleadings, papers and proceedings heretofore had herein, plaintiff and putative class representative Sabrina Chin ("Plaintiff"), by her undersigned counsel, will and hereby does move this Court before the Hon. Kevin Nathaniel Fox, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on such date and at such time as the Court shall set, for an Order: (a) approving the parties' amendment of their July 31, 2009 Class Action Settlement Agreement; (b) amending the parties' proposed Notice of Pendency and Settlement of Class Action; and, (c) granting the parties such other and further relief as the Court deems just and proper.

Because of the routine and undisputed nature of this motion, we respectfully request that the Court exercise the discretion granted by Local Rule 7.1 to waive the provisions of that rule insofar as they require the submission of a memorandum of law in support of this motion.

Dated: New York, New York  
January 22, 2010

**REESE RICHMAN LLP**

By: /s/ Michael R. Reese

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